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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,393	03/24/2004	Tokunori Kato	119249	3341
25944 7590 10/03/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
WORKU, NEGUSSE				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
10/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,393

Applicant(s)

KATO, TOKUNORI

Examiner

NEGUSSIE WORKU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 03/21/06; 03/24/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a replay to the response filed on June 18, 2008, in which, claims 1-16 are pending. Applicant's response to the double patenting rejection mailed on March 18, 2008 has been respectfully considered. However, up on further review, examiner believes that the claimed invention is broad enough to read on the cited reference as set forth below.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 03/21/06 and 03/24/04 has been reviewed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 10 recite the limitation "the second mode processing portion". There is insufficient antecedent basis for this limitation in the claim, and therefore, the

dependency of claim 10 not on 9 rather on claim 8. In claim 1, lines 6, "a data processing unit" there is also insufficient antecedent basis for the limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-16 are rejected under 35 U.S.C. 102 (e) as being anticipated by Koppich et al. (USP 2003/0200503).

With regard to claim 1, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1) comprising: a storing unit having a storage area for storing image data (a facsimile system 102, having storage area for storing image data] col.2, lines 0024); a recognition setting unit that enables the terminal device to recognize the storage area in the storing unit as an external storage device (col.4, lines 0038); and a data processing unit (data generating unit 102 of fig 1, col.2, lines 0022) that reads image data from the storage area in the storing unit when image data is written to the storage area from the terminal device and executes a prescribed process

on the image data (102 of fig 1, comprises DMM 114 via DDM 112 to store and retrieve from storage 11 of fig 1, col.3, lines 0024) .

With regard to claim 2, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the terminal device is provided with a Plug and Play function for automatically recognizing a device connected to and in communication with the terminal device, the recognition setting unit using the Plug and Play function to enable the terminal device to recognize the storage area in the storing unit as an external storage device (a document processing 102 having plug and play device, see col.2, lines 0017-0018).

With regard to claim 3, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the data processing unit (100 of fig 1) comprises a monitoring portion that constantly monitors the storage area in the storing unit to determine whether image data has been written to the storage area from the terminal device (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, col.2, lines 0019-0020).

With regard to claim 4, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), further comprising a deleting unit that deletes image data from the storage area after the data processing unit has completed a predetermined process on the image data in the prescribed process (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area and prescribed process col.2, lines 0019-0020).

With regard to claim 5, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the prescribed process is image forming process, and the data processing device (100 of fig 1) further comprising an image forming unit (108 of fig 1) that forms an image on an image forming medium based on the image data (facsimile 108 of fig 1, is an image forming device); and wherein the data processing unit comprises a reading portion that reads image data from the storage area in the storing unit when image data is written to the storage area from the terminal device, and a control portion that controls the image forming unit to form an image based on the image data (processing device 100 of fig 1, has an internal

controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 6, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the prescribed process is a facsimile transmission process, in which the image data is affixed with a destination data indicative of a destination of the image data (multifunction device 108 of fig 1, having facsimile, e-mail transmission function); and the data processing device (102 shown in fig 1) further comprising a communicating unit (100 of fig 1) connected to an external network, (communication unit 100, connected to external network) and a data transmitting unit that transmits the image data to a specified destination through the communicating unit (facsimile system 108 of fig 1, transmit data to specific destination via communication unit 100 of fig 1); wherein the data processing unit (processing unit 102 of fig 1) comprises a reading portion that reads image data from the storage area in the storing unit and reads the destination data from the storage area when the image data is written to the storage area from the terminal device, and a control portion that controls the data transmitting unit to transmit the image data to the destination based on the destination data (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure

proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 7, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the communicating unit (100 of fig 1) is capable of communicating with an external facsimile machine via the network, (facsimile device 108 communicating with external facsimile machine via communication unit 100, which is a network) the control portion controlling the data transmitting unit to transmit the image data as facsimile data to the external facsimile machine at the destination based on the destination data, see col.2, lines 0019-0020).

With regard to claim 8, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the storing unit is capable of storing image data and classification data representing a classification of the image data (storage area 110 of fig 1); and wherein the data processing unit (processing device shown in fig 1) comprises: a first mode processing portion providing a first prescribed process (scanning can be first processing); a second mode processing portion providing a second prescribed process (printing can be the second prescribed processing); and a

selection portion selecting one of the first prescribed process and the second prescribed process based on the classification data for the image data that is written together with the image data in the storing unit at the time the image data is written to the storage area from the terminal device for executing a selected one of the first prescribed process and the second prescribed process (image data is written to the storage area from the terminal device for executing a selected one of the first prescribed, see col. 1, lines 0010-0012).

With regard to claim 9, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), further comprising an image forming unit (108 of fig 1) that forms an image on an image forming medium based on the image data (image forming unit 108, forming image based on the image data); and wherein the first mode processing portion comprises a reading section that reads the image data from the storage area of the storing unit; and a control section that controls the image forming unit to form images based on the image data, (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 10, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1) further comprising: a communicating unit connected to an external network (100 of fig 1, connected to the network); and a data transmitting (facsimile 108 of fig 1) that transmits the image data to a specified destination via the communicating unit (communicating unit 100 of fig 1); and wherein the image data is attached with a destination data representing a destination for the image data, the destination data being also stored in the storage area (storage area 110 of fig 1, stores destination data addresses); and wherein the second mode processing portion comprises a reading section that reads image data from the storage area of the storing unit and reads the destination data from the storage area (computer 102 of fig 1, comprises reading portion); and a control section that controls the data transmitting unit to transmit the image data to the destination based on the destination data, (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 11, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102,

104, 108 and 106] as shown in fig 1), wherein the image data is also attached with a transmission time data representing the transmission time for the image data, (transmission time such as sending and receiving time is inherent in any communication method) the transmission time data being also stored in the storage area (the transmitted data is stored in a storage device before user printed out); and wherein the reading section also reads transmission time data (computer 104, readout data from the storage area including timing); and wherein the control section controls the data transmitting unit to transmit the image data to a destination based on the destination data at a time represented by the transmission time data, (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 12, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the communicating unit (100 of fig 1) is capable of communicating with an external facsimile machine (108 of fig 1) via the network (communication unit 100 is connected to the network); and wherein the control section controls the data transmitting unit to transmit the image data as facsimile data to the external facsimile machine at the destination based on the destination data,

(processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 13, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the data processing unit further comprises a third mode processing portion providing a third prescribed process, the selection portion selecting one of the first prescribed process, the second prescribed process and the third prescribed process based on the classification data for the image data that is written together with the image data in the storing unit at the time the image data is written to the storage area from the terminal device for executing a selected one of the first prescribed process, the second prescribed process and the third prescribed process, (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, plurality of prescribed process from the storage area, see col.2, lines 0019-0020).

With regard to claim 14, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device

shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), further comprising a communicating unit (100 of fig 1) connected to an external network (communication unit 100 of fig 1, connected to the external network); and a mail transmitting unit that transmits image data in an e-mail format to a specified destination (server 104 of fig 1, e-mail via communication unit 100); and wherein the image data is attached with a destination data representing a destination for the image data, the destination data being also stored in the storage area (facsimile device 108, has a address destination storage area); and wherein the third mode processing portion (which is shown in fig 1) comprises: a reading section that reads image data from the storage area in the storing unit and reads destination data from the storage area, and a control section that controls the mail transmitting unit to transmit the image data in the e-mail format to a destination based on the destination data, (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 15, Koppich '503' teaches a facsimile machine connected to and in communication with a terminal device, (108 shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), comprising: a communicating unit (100 of fig 1, is a communicating unit) connected to an external network and capable of transmitting and receiving facsimile

data (communicating unit 100, connected to the external unit via network); and a data processing device connected to and in communication with a terminal device through the external network, (processing device shown in fig 1), comprising: a storing unit (110 of fig 1) having a storage area for storing the facsimile data (storage 110 of fig 1, stores facsimile data); a recognition setting unit that enables the terminal device to recognize the storage area in the storing unit as an external storage device (col.4, lines 0038); and a data processing unit that reads the facsimile data from the storage area in the storing unit when the facsimile data is written to the storage area from the terminal device and executes a prescribed process on the facsimile data (processing device shown in fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 16, Koppich '503' teaches a storage medium that stores a program for permitting a facsimile machine to function as a data processing device data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a storage device 110, a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), through a network, and a storage unit including a storage area that stores therein image data (storage 110 of fig 1), the program comprising: a program of enabling the terminal device to recognize the storage area in the storing unit as an external storage device

(program run in computer 104, enabling the terminal device to recognize storage area, that includes reading out image data and execute prescribed process); and a program of reading image data from the storage area in the storing unit when image data is written to the storage area from the terminal device and executing a prescribed process on the image data, (processing device of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing program that designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

Examiner, Art Unit 2625